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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,960	07/24/2001	Ola Olofsson	TPP 30887CIP2	4841

7590 02/02/2004

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EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,960

Applicant(s)

OLOFSSON ET AL.

Examiner

Ryan M Flandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/601,573.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

2. After further review, the amendment filed 6 February 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure was entered on a new line following the final paragraph on page 2 of the specification and reads as follows: "Such glue may be applied during the manufacture of the groove and/ or tenon. When the glue is applied during manufacture, it is preferably activated before the tenon is joined with the groove to form the joint of the invention."

Applicant is required to cancel the new matter in the reply to this Office Action. The Examiner urges the Applicant to submit a substitute specification so that a clean copy is on file for review by the Examiner. A statement declaring that no new matter has been entered is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3-6, 9-14, 17-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson (US 5,618,602).

a. Claim 17. Nelson shows and discloses a guiding means at a joint between adjacent boards **10**, said boards comprising an upper surface **12**, and a core **13**, and bounded by edges, at least one of said edges comprising a groove **16** or a tenon **26**, said tenon **26** comprising guiding wedges **27,30** wherein a fitting clearance between the tenon **26** of a first of said boards and a groove **16** of the adjacent board includes a first fitting clearance, the first fitting clearance being bounded by a distal end **29** of the tenon **26** and a proximal part **19** of the groove **16**, and a second, guiding, fitting clearance which second, guiding, fitting clearance being bounded by, on at least one side, said guiding wedge **27,30**, whereby the first fitting clearance comprises the main part of the fit and the second, guiding, fitting, clearance comprises a smaller part of the fit, and said guiding wedge **27,30** comprises a distal angled surface **30** and a section extending from said distal angled section **30** to said core **13** (see figures 1-8, *especially* figure 1).

b. Claims 4-6. Nelson shows (see figures 5-8) and discloses (column 5 lines 27-40) dimensions and tolerances for the tenon **26** and groove **16**. The resulting fit, given the tolerance ranges, includes the recited ranges.

c. Claim 18. Nelson further shows that said guiding wedge **27,30** *consists* of a distal angled surface **30** and a section **27** extending from said distal angled section 30 to said

core **13** (see figure 1). That is, the guiding wedge is made up of only the distal angled section and the section extending therefrom to the core.

d. Claim 19. Nelson shows and discloses a first board comprising an upper surface **12** and a core **13**, and bounded by edges, at least one of the edges comprising a groove **16**; in combination with a second board comprising an upper surface **12** and a core **13**, and bounded by edges, at least one of the edges comprising a tenon **26**; the tenon **26** of the second board comprising a guiding wedge **27,30**, the guiding wedge **27,30** comprising a distal angled surface **30** and a section **27** extending from the distal angled section **30** to the core **13** (see figures 1-8, *especially* figure 1).

e. Claim 20. Nelson further shows the combination of the first board and the second board defines at least one fitting clearance (see figures 1-4).

f. Claim 21. Nelson further shows and discloses glue **20** disposed inside the at least one fitting clearance (see figures 2-4).

g. Claim 22. Nelson further shows and discloses glue **20** disposed between the groove **16** of the first board and the tenon **26** of the second board (see figures 1-4).

h. Claim 23. Nelson shows and discloses a process for forming a joint between adjacent boards, said boards comprising an upper surface **12**, and a core **13**, and bounded by edges, at least one of said edges comprising a groove **16** or a tenon **26** intended to be joined by means of glue **20**, wherein a fitting clearance between the tenon **26** and the groove **16** includes a first fitting clearance, the first fitting clearance being bounded by a distal end **29** of the tenon **26** and a proximal part **19** of the groove **16**, and a second, guiding, fitting clearance which second, guiding, fitting clearance being bounded by, on

at least one side, a guiding wedge **27,30**, whereby the first fitting clearance comprises the main part of the fit and the second, guiding, fitting, clearance comprises a smaller part of the fit, and said guiding wedge **27,30** comprises a distal angled surface **30** and a section extending from said distal angled section **30** to said core **13** (see figures 1-8, *especially* figure 1), said process comprising assembling the adjacent boards to form said joint (see claim 11 and figures 1-4).

i. Claim 24. Nelson further shows and discloses that glue **20** is applied during manufacturing of the guiding wedge **27,30** (see figures 2-4).

j. Claim 3. Nelson further shows and discloses the glue **20** is activated before joining the tenon **26** with the groove **16** (see figures 2-4)

k. Claim 25. Nelson further shows applying glue **20** to said at least one edge **19** prior to assembly of said adjacent boards (see figures 2-4).

l. Claims 9-14. Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Claim Rejections - 35 USC § 103

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 5,618,602) in view of Martensson.

a. Claim 7. Nelson shows and discloses a guiding wedge **27,30** but fails to teach a plurality of guiding wedges arranged perpendicular to the extension of the joint.

Martensson, teaches guiding wedges **9** arranged perpendicular to the extension of a joint

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in order to strengthen the joint connection. In any event, duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged perpendicular to the extension of the joint since duplication of components is within the ordinary skill of the art.

b. Claim 15. Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

6. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 5,618,602).

a. Claim 8. Nelson shows and discloses a guiding wedge 27,30 but fails to teach a plurality of guiding wedges arranged parallel to the extension of the joint. Duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a *plurality* of guiding wedges arranged parallel to the extension of the joint since duplication of components is within the ordinary skill of the art.

b. Claim 16. Nelson, as applied above, further includes the core **13** of the boards is constituted by particle board and that at least the upper side of the board is constituted by a decorative thermosetting laminate **11** (see figure 1 and column 3 lines 26-36).

Response to Arguments

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro
January 26, 2004


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670